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DATE: July 6, 2006

TO: Examiner SHEDRICK, Charles Terrell
USPTO GPAU 2617

FAX NO.: 571-273-8300

FROM: Jeffrey G. Toler
Reg. No.: 38,342

RE U.S. App. No.: 10/668,617, filed September 23, 2003

Applicant(s): Alicia Marie Russell

Atty Dkt No.: 1033-SS00402

Title: METHOD AND SYSTEM FOR FORWARDING WIRELESS COMMUNICATIONS

NO. OF PAGES (including Cover Sheet): 29

MESSAGE:

Attached please find:

☒ Transmittal Form (1 pg)
☒ Fee Transmittal (in duplicate) (2 pgs)
☒ Brief in Support of Appeal (25 pgs)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission: 29

Application Number	10/668,617
Filing Date	September 23, 2003
First Named Inventor	Alicia Marie Russell
Art Unit	2617
Examiner Name	SHEDRICK, Charles Terrell
Attorney Docket Number	1033-SS00402

ENCLOSURES *(Check all that apply)*

- [x] Fee Transmittal Form
  - [ ] Fee Attached
- [ ] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
  - [ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
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- [ ] CD, Number of CD(s) _____
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- [ ] After Allowance Communication to TC
- [ ] Appeal Communication to Board of Appeals and Interferences
- [x] Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
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Remarks

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Toler Schaffer, L.L.P.		
Signature			
Printed name	Jeffrey G. Toler		
Date	7-6-2006	Reg. No.	38,342

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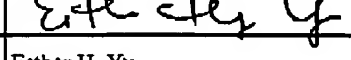
Signature			
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FEE TRANSMITTAL
For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 500.00

Complete if Known	
Application Number	10/668,617
Filing Date	September 23, 2003
First Named Inventor	Alicia Marie Russell
Examiner Name	SHEDRICK, Charles Terrell
Art Unit	2617
Attorney Docket No.	1033-SS00402

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☑ Deposit Account Deposit Account Number: 50-2469 Deposit Account Name: TOLER SCHAFFER, LLP

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

	FILING FEES		SEARCH FEES		EXAMINATION FEES		
		Small Entity		Small Entity		Small Entity	
Application Type	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fees Paid ($)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims _____ - 20 or HP = _____ x _____ = _____ Extra Claims / Fee ($) / Fee Paid ($)

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims _____ - 3 or HP = _____ x _____ = _____ Extra Claims / Fee ($) / Fee Paid ($)

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims: Fee ($) _____ Fee Paid ($) _____

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4. OTHER FEE(S)

Non-English Specification, $130 fee (no small entity discount) Fees Paid ($) _____

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Name (Print/Type)	Jeffrey G. Toler		Date 7-6-2006

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FEE TRANSMITTAL
For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 500.00

Complete if Known	
Application Number	10/668,617
Filing Date	September 23, 2003
First Named Inventor	Alicia Marie Russell
Examiner Name	SHEDRICK, Charles Terrell
Art Unit	2617
Attorney Docket No.	1033-SS00402

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☑ Deposit Account Deposit Account Number: 50-2469 Deposit Account Name: TOLER SCHAFFER, LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

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Application Type	FILING FEES Fee ($)	FILING FEES Small Entity Fee ($)	SEARCH FEES Fee ($)	SEARCH FEES Small Entity Fee ($)	EXAMINATION FEES Fee ($)	EXAMINATION FEES Small Entity Fee ($)	Fees Paid ($)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

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HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims: Fee ($) _____ Fee Paid ($) _____

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4. OTHER FEE(S)

Non-English Specification, $130 fee (no small entity discount) Fees Paid ($) _____

Other (e.g., late filing surcharge): Brief in Support of Appeal Filing Fee 500.00

SUBMITTED BY

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Name (Print/Type)	Jeffrey G. Toler		Date 7-6-2006

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	**Alicia Marie Russell**		
Title:	**METHOD AND SYSTEM FOR FORWARDING WIRELESS COMMUNICATIONS**		
App. No.:	**10/668,617**	Filed:	**September 23, 2003**
Examiner:	**Charles Terrell Shedrick**	Group Art Unit:	**2617**
Atty. Dkt. No.:	**1033-SS00402**	Confirmation No.:	**1505**

BOARD OF PATENT APPEALS
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BRIEF IN SUPPORT OF APPEAL

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I. REAL PARTY IN INTEREST (37 C.F.R. § 41.37(c)(1)(i))

The Real Party in Interest in the present Appeal is **SBC Knowledge Ventures, L.P.**, the assignee, of patent application no. **10/668,617**, as evidenced by the assignment set forth at Reel **014339**, Frame **0683**.

II. RELATED APPEALS AND INTERFERENCES (37 C.F.R. § 41.37(c)(1)(ii))

With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in this appeal, Appellant is not aware of any such appeals or interferences.

III. STATUS OF CLAIMS (37 C.F.R. § 41.37(c)(1)(iii))

A. Total Number of Claims in Application

There are 37 claims pending in the application (claims 1-37).

B. Status of All the Claims

Claims 1, 3, 13, 27, 32, and 36 are independent claims. According to pages 2-11 and pages 11-16 of the Final Office Action dated January 10, 2006, the Examiner states that Claims 1-37 stand rejected, and are hereby appealed.

C. Claims on Appeal

There are 37 claims on appeal (claims 1-37).

IV. STATUS OF AMENDMENTS (37 C.F.R. § 41.37(c)(1)(iv))

The claims hereby Appealed are based on the Amendment filed on October 21, 2005. No amendment was offered or entered after the Final Office Action.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER (37 C.F.R. § 41.37(c)(1)(v))

The subject matter of Claim 1 can be summarized as follows:

A system includes a wireless beacon to provide wireless data communication with a mobile telephone to detect a location of the mobile telephone within a wireless detection area provided by the wireless beacon and includes a communication interface. The communication interface selectively sends a call forwarding message to a cellular switch based on an evaluation of a value received from the wireless beacon. The call forwarding message provides an instruction to route future calls destined for the mobile telephone to an alternate network address.

Claim 1 finds support from at least Figures 1-6 and page 2, paragraph 0006, page 4, paragraph 0016 through page 5, paragraph 0019, pages 5 and 6, paragraph 0021, page 7, paragraph 0026 through page 8, paragraph 0028, page 8, paragraphs 0030 and 0031, page 9, paragraphs 0032, 0033, and 0035, and page 10, paragraphs 0036 and 0037.

The subject matter of Claim 3 can be summarized as follows:

A method of selecting a destination telephone is provided that includes detecting a location of a mobile telephone within a wireless detection area provided by a wireless beacon and selectively sending a call forwarding message to a wide area switch having a communication path targeted to the mobile telephone based on an evaluation of a value received from the wireless beacon. The call forwarding message provides an instruction to route future calls destined for the mobile telephone to an alternative communication path.

Claim 3 finds support from at least figures 1-3 and 6 and page 2, paragraph 0007, page 4, paragraph 0016 through page 5, paragraph 0019, pages 5 and 6, paragraph 0021, page 7, paragraph 0026 through page 8, paragraph 0028, and page 10, paragraphs 0036 and 0037.

The subject matter of Claim 13 can be summarized as follows:

A method of routing call requests includes receiving at a wireless mobile communication device an identifier from a source over a first wireless connection. The method further includes communicating to a wireless switch, when the identifier comprises a recognized identifier, a request to forward voice communications to the wireless mobile communications device to an alternate communication device other than the wireless communication device in response to receiving the identifier.

Claim 13 finds support from at least figures 1, 3 and 5 and page 2, paragraph 0008, page 4, paragraph 0016 through page 5, paragraph 0019, pages 5 and 6, paragraph 0021, page 8, paragraphs 0030 and 0031, and page 9, paragraphs 0032 and 0033.

The subject matter of Claim 27 can be summarized as follows:

A system includes a wireless communication device comprising a first receiver to facilitate two-way telephone conversations using a first wireless protocol, a second receiver to facilitate monitoring wireless information using a second wireless protocol, and a communications interface. The communications interface includes a first control module and a second control module. The first control module provides a request to forward an incoming communication request to an alternate communication device, where the alternate communication device is proximal to a transmitter. The second control module provides a request to provide communication requests to the wireless communication device.

Claim 27 finds support from at least figures 2 and 5 and page 3, paragraph 0009 and page 7, paragraph 0026 through page 8, paragraph 0029 of the specification.

The subject matter of Claim 32 can be summarized as follows:

A system includes a wireless telephone and a wireless beacon device. The wireless telephone is configured to communicate using a wide area wireless protocol and configured to communicate using a proximal wireless protocol. The wireless telephone includes a call forward module and includes a cancel call forward module. The wireless beacon device is associated with a wireline telephone and is configured to communicate with the wireless telephone using the proximal wireless protocol when the wireless telephone is within a wireless beacon coverage area. The call forward module of the wireless telephone is configured to selectively send a call forward message using the wide area wireless protocol when the wireless telephone is within the wireless beacon coverage area and when the wireless beacon device is recognized by the wireless telephone. The call forward message directs calls that address the wireless telephone to be redirected to the wireline telephone.

Claim 32 finds support from at least figures 2 and 5 and on at least page 3, paragraph 0009 and page 7, paragraph 0026 through page 8, paragraph 0029 of the specification.

The subject matter of Claim 36 can be summarized as follows:

A wireless beacon includes a transmitter that is configured to provide a wireless beacon coverage area and includes a wireless communication interface that is configured to provide a unique identification to a wireless mobile device located within the wireless beacon coverage area. The unique identification allows the wireless mobile device to selectively associate an alternate network destination address for receipt of external communication while the wireless mobile device is within the wireless beacon coverage area and when the unique identification matches an expected value.

Claim 36 finds support from at least figures 1-3, 5 and 6 and on at least page 2, paragraphs 0006 and 0007, page 4, paragraph 0018 through page 7, paragraph 0024, page

8, paragraphs 0028 and 30, page 9, paragraph 0032, and page 10, paragraph 0036 and 0037 of the specification.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL (37 C.F.R. § 41.37(c)(1)(vi))

A. Claims 1-7, 9-15, 17, 20-25, 27-34, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated over U.S. Patent Publication No. 2003/0092451 ("Holloway") at page 2 of the Final Office Action. Claims 1, 3, 13, 27, 32, and 36 do not stand or fall together.

B. Claims 8, 16, 18, 19, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holloway in view of well known prior art (MPEP 2144.03) at page 11 of the Final Office Action.

C. Claim 26 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Holloway in view of U.S. Patent No. 6,856,806 ("Bosik") at page 15 of the Final Office Action.

D. Claim 37 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Holloway in view of U.S. Patent No. 6,574,470 ("Chow") at pages 15-16 of the Final Office Action.

VII. ARGUMENT (37 C.F.R. § 41.37(c)(1)(vii))

Appellant respectfully appeals each of the rejections applied against all claims now pending on appeal.

A. CLAIMS 1 AND 2 ARE ALLOWABLE OVER HOLLOWAY

Appellant traverses the rejection of claims 1 and 2 under 35 U.S.C. §102(b) over U.S. Patent Publication No. 2003/0092451 ("Holloway") at page 2 of the Final Office Action.

Independent claim 1 recites a system including a wireless beacon to provide wireless communication with a mobile telephone to detect a location of the mobile telephone within a wireless detection area provided by the wireless beacon and including a communication interface

to selectively send a call forwarding message to a cellular switch based on an evaluation of a value received from the wireless beacon.

The Final Office Action states that Holloway discloses:

> a communication interface 230 (i.e. within the mobile phone) (figure 5) to selectively send a call forwarding message to a cellular switch 210 (i.e. within the cellular system) based on an evaluation of a value received from the wireless beacon (i.e. the ability to override the transfer of calls can be programmed into a button and thus in this regard a selection is made regarding the forwarding. Holloway et al. further discloses that when a transmitter is installed, it is programmed with a phone number of the preferred phone. This preferred phone number is then transmitted as part of its signal. Mobile phone 230 is equipped to receive signals in the frequency of the transmitter 220 and is programmed to recognize a signal that is meant for it)(i.e., see paragraph 0017 and 0021)

Final Office Action, p. 3 (emphasis added).

The Final Office Action evidently confuses the system of claim 1 with the mobile phone of Holloway. In particular, Appellant notes that claim 1 recites a system that includes a wireless beacon to provide wireless data communication with a mobile telephone to detect a location of the mobile telephone within a wireless detection area provided by the wireless beacon. Holloway discloses that when the mobile phone 230 is within range of the transmitter it receives a transmitted signal including a preferred phone number. *See Holloway*, p. 2, paragraph 0017. Thus, the mobile phone 230 of Holloway is separate from the system that includes the beacon.

Holloway further discloses that "[i]n step 320, phone 230 sends an overhead message to cellular system 210 requesting forwarding of calls to preferred phone 240 (step 320) and passing on the appropriate phone number for forwarding." *See Holloway*, p. 2, paragraph 0017. Thus, in Holloway, the mobile phone 230 sends the call forwarding request. The communication interface of Holloway does not provide wireless communication with the mobile phone.

Moreover, the Final Office Action erroneously equates "the ability to override the transfer of calls" based on a programmed button with "a communication interface to selectively send a call forwarding message to a cellular switch based on an evaluation of a value received from the wireless beacon" as recited by claim 1.

Holloway states:

> Other capabilities can be incorporated with this application. For instance, the ability to override the transfer of calls can be programmed into a button on the mobile phone 230. This can be useful, for instance, when the preferred phone is currently engaged by another person and the user does not wish to miss calls.

Holloway, p. 2, paragraph 0021 (emphasis added).

As previously discussed, the system of claim 1 includes a wireless beacon to provide wireless communication with a mobile telephone to detect a location of the mobile telephone within a wireless detection area provided by the wireless beacon and a communication interface to selectively send a call forwarding message to a cellular switch based on an evaluation of a value received from the wireless beacon, as recited by claim 1. The override capability of Holloway is not selected based on "an evaluation of a value received from the wireless beacon," but rather is based on a user selection of the pre-programmed button based on the user's observation that the preferred phone "is currently engaged." *See Holloway*, p. 2, paragraph 0021. Thus, the override functionality of Holloway exists entirely within the mobile phone 230 to prevent the mobile phone from initiating the call forwarding request and is not based on an evaluation of a value received from the wireless beacon. Holloway fails to disclose or suggest a system including a communication interface to selectively send a call forwarding message to a cellular switch based on an evaluation of a value received from the wireless beacon, as recited by claim 1.

Thus, Holloway fails to disclose or suggest at least one element of independent claim 1 and of claim 2, at least by virtue of its dependency from independent claim 1. Therefore, the rejection of claims 1 and 2 should be withdrawn.

B. CLAIMS 3-7 AND 9-12 ARE ALLOWABLE OVER HOLLOWAY AND OVER HOLLOWAY IN VIEW OF WELL-KNOWN PRIOR ART

Appellant traverses the rejection of claims 3-7 and 9-12 under 35 U.S.C. §102(b) over U.S. Patent Publication No. 2003/0092451 ("Holloway") at page 2 of the Final Office Action. Holloway fails to disclose or suggest selectively sending a call forwarding message to a wide

area switch having a communication path targeted to the mobile telephone based on an evaluation of a value received from the wireless beacon, as recited by claim 3.

Holloway discloses that when the mobile phone 230 is within range of the transmitter it receives a transmitted signal including a preferred phone number. *See Holloway*, p. 2, paragraph 0017. Holloway further discloses that "[i]n step 320, phone 230 sends an overhead message to cellular system 210 requesting forwarding of calls to preferred phone 240 (step 320) and passing on the appropriate phone number for forwarding." *See Holloway*, p. 2, paragraph 0017. Thus, the mobile phone of Holloway receives the phone number from the transmitter and sends a call-forwarding message that includes the phone number. The mobile phone of Holloway does not selectively send a call forwarding message to a wide area switch having a communication path targeted to the mobile telephone based on an evaluation of a value received from the wireless beacon, as recited by claim 3

Holloway discloses "handshaking" to verify that the transmitter and the mobile phone "are intended to work together." *See Holloway*, p. 2, paragraph 0020. However, Holloway discloses this "verification" process in the context of passing an identity (ID) of the mobile phone to another device. *See Holloway*, p. 2, paragraph 0020. When the mobile phone verifies the transmitter, the mobile phone of Holloway passes its identity to the transmitter and removes itself from the system. *See Holloway*, p. 2, paragraph 0020. Thus, Holloway discloses a mobile phone to automatically forward calls when in the presence of the transmitter and to authenticate the transmitter only when the mobile phone is to hand over its identifier to the transmitter. Holloway fails to disclose or suggest selectively sending a call forwarding message to a wide area switch having a communication path targeted to the mobile telephone based on an evaluation of a value received from the wireless beacon, as recited by claim 3.

Thus, Holloway fails to disclose or suggest at least one element of independent claim 3 and of claims 4-7 and 9-12, at least by virtue of their dependency from independent claim 3. Therefore, the rejection of claims 3-7 and 9-12 should be withdrawn.

C. CLAIMS 13-15, 17, AND 20-25 ARE ALLOWABLEOVER HOLLOWAY AND OVER HOLLOWAY IN VIEW OF WELL-KNOWN PRIOR ART

Appellant traverses the rejection of claims 13-15, 17, and 20-25 under 35 U.S.C. §102(b) over U.S. Patent Publication No. 2003/0092451 ("Holloway") at page 2 of the Final Office Action.

Holloway fails to disclose or suggest a method that includes receiving at a wireless mobile communication device an identifier from a source over a first wireless connection and communicating to a wireless switch, when the identifier comprises a recognized identifier, a request to forward voice communications to the wireless mobile communications device to an alternate communication device other than the wireless communication device in response to receiving the identifier, as recited by claim 13.

As previously discussed, Holloway discloses that when the mobile phone 230 is within range of the transmitter it receives a transmitted signal including a preferred phone number. *See Holloway*, p. 2, paragraph 0017. Holloway further discloses that "[i]n step 320, phone 230 sends an overhead message to cellular system 210 requesting forwarding of calls to preferred phone 240 (step 320) and passing on the appropriate phone number for forwarding." *See Holloway*, p. 2, paragraph 0017. Thus, Holloway receives the phone number and sends a call-forwarding message that includes the phone number. Holloway fails to disclose or suggest receiving an identifier and communicating to a wireless switch a request to forward communications when the identifier comprises a recognized identifier, as recited by claim 13.

Holloway fails to disclose or suggest that the mobile telephone 230 communicates to a wireless switch a request to forward communications when the identifier comprises a recognized identifier, as recited by claim 13. As discussed above, Holloway either automatically forwards calls in the presence of the transmitter or performs handshaking (verification) before passing its identifier to the transmitter. Holloway fails to disclose recognizing an identifier in the context of call-forwarding. When the mobile phone verifies the transmitter, the mobile phone of Holloway passes its identity to the transmitter and removes itself from the system. *See Holloway*, p. 2, paragraph 0020. Additionally, in this context, the identity of the mobile phone of Holloway is passed to the transmitter, and not to the wireless switch, as recited by claim 13.

Thus, Holloway fails to disclose or suggest at least one element of independent claim 13, and of claims 14, 15, 17, and 20-25, at least by virtue of their dependency from allowable independent claim 13. Therefore, the rejection of claims 13-15, 17, and 20-25 should be withdrawn.

D. CLAIMS 27-31 ARE ALLOWABLE OVER HOLLOWAY.

Appellant traverses the rejection of claims 27-31 under 35 U.S.C. §102(b) over U.S. Patent Publication No. 2003/0092451 ("Holloway") at page 2 of the Final Office Action. Holloway fails to disclose or suggest a system including a second control module to provide a request to provide communications requests to the wireless communication device, as recited by claim 27.

Holloway discloses a mobile phone including first circuitry to communicate vocally through a wireless transmission system, second circuitry to communicate with a low power transmitter, and third circuitry to recognize reception of transmissions from the low power transmitter and to forward calls to a designated phone number. *See Holloway*, p. 3, claims 1, 4 and 5. However, Holloway fails to disclose a second control module to provide a request to provide communication requests to the wireless communication device and a first control module to forward an incoming communication request to an alternate communication device, as recited by claim 27.

The Final Office Action asserts that claims 1, 4 and 5 of Holloway disclose the first and a second control module, as recited by claim 27. *See Final Office Action*, p. 8. Claim 1 of Holloway states:

> 1. A mobile phone comprising: first circuitry to communicate vocally through a wireless transmission system which identifies said mobile phone by a system identifier; second circuitry to communicate with a low-power transmitter; and third circuitry to recognize reception of transmissions from said low-power transmitter and to forward calls directed to said mobile phone to a designated phone number.

Claim 4 of Holloway states:

> 4. The mobile phone of claim 1, wherein said third circuitry receives a phone number from said transmitter and sends a request to a controlling system to forward calls for said mobile phone to said phone number.

Claim 5 of Holloway states:

> 5. The mobile phone of claim 1, wherein said third circuitry transmits its system identification in an encrypted form and nullifies its system identification while in proximity to said transmitter.

Holloway fails to disclose or suggest a second control module to provide a request to provide communication requests to the wireless communication device, as recited by claim 27. Instead, Holloway discloses nullifying its system identification (claim 5) or requesting call forwarding based on a received phone number (claims 1 and 4). Holloway fails to disclose or suggest at least one element of independent claim 27, and of each of the claims 28-31, at least by virtue of their dependency from claim 27. Therefore, the rejection of claims 27-31 should be withdrawn.

E. CLAIMS 32-34 ARE ALLOWABLE OVER HOLLOWAY

Appellant traverses the rejection of claims 32-34 under 35 U.S.C. §102(b) over U.S. Patent Publication No. 2003/0092451 ("Holloway") at page 2 of the Final Office Action. Claim 32 recites a system including a wireless telephone having a call forward module, where the call forward module is configured to selectively send a call forward message using the wide area wireless protocol when the wireless telephone is within the wireless beacon coverage area and when the wireless beacon device is recognized by the wireless telephone.

As previously discussed, Holloway discloses that when the mobile phone 230 is within range of the transmitter it receives a transmitted signal including a preferred phone number. *See Holloway*, p. 2, paragraph 0017. Holloway further discloses that "[i]n step 320, phone 230 sends an overhead message to cellular system 210 requesting forwarding of calls to preferred phone 240 (step 320) and passing on the appropriate phone number for forwarding." *See Holloway*, p. 2, paragraph 0017. Thus, Holloway receives the phone number and sends a call-forwarding

message that includes the phone number. Holloway fails to disclose or suggest a call forward module configured to selectively send a call forward message using the wide area wireless protocol when the wireless telephone is within the wireless beacon coverage area and when the wireless beacon device is recognized by the wireless telephone, as recited by claim 32.

Holloway fails to disclose or suggest that the mobile telephone 230 recognizes a wireless beacon device. Holloway discloses "handshaking" to verify that the transmitter and the mobile phone "are intended to work together." *See Holloway*, p. 2, paragraph 0020. However, Holloway discloses this "verification" process, not in the context of call-forwarding, but rather in the context of passing an identity (ID) of the mobile phone to another device. *See Holloway*, p. 2, paragraph 0020. When the mobile phone verifies the transmitter, the mobile phone of Holloway passes its identity to the transmitter and removes itself from the system. *See Holloway*, p. 2, paragraph 0020. Additionally, in this context, the identity of the mobile phone of Holloway is passed to the transmitter, and is not sent "using the wide area wireless protocol," as recited by claim 32.

Thus, Holloway fails to disclose or suggest at least one element of the independent claim 32, and of each of the claims 33 and 34, at least by virtue of their dependency from allowable independent claim 32. Therefore, the rejection of claims 32-34 should be withdrawn.

F. CLAIM 36 IS ALLOWABLE OVER HOLLOWAY

Appellant traverses the rejection of claim 36 under 35 U.S.C. §102(b) over U.S. Patent Publication No. 2003/0092451 ("Holloway") at page 2 of the Final Office Action.

Holloway fails to disclose or suggest a wireless beacon including a transmitter configured to provide a wireless beacon coverage area and a wireless communication interface configured to provide a unique identification to a wireless mobile device located within the wireless beacon coverage area, where the unique identification allows the wireless mobile device to selectively associate an alternate network destination address for receipt of external communication while the wireless mobile device is within the wireless beacon coverage area and when the unique identification matches an expected value, as recited by claim 36.

As previously discussed, Holloway discloses that when the mobile phone 230 is within range of the transmitter it receives a transmitted signal including a preferred phone number. *See Holloway*, p. 2, paragraph 0017. Holloway further discloses that "[i]n step 320, phone 230 sends an overhead message to cellular system 210 requesting forwarding of calls to preferred phone 240 (step 320) and passing on the appropriate phone number for forwarding." *See Holloway*, p. 2, paragraph 0017. Thus, Holloway receives the phone number and sends a call-forwarding message that includes the phone number. Holloway discloses "handshaking" to verify that the transmitter and the mobile phone "are intended to work together." *See Holloway*, p. 2, paragraph 0020. However, Holloway discloses this "verification" process, not in the context of call-forwarding, but rather in the context of passing an identity (ID) of the mobile phone to another device. *See Holloway*, p. 2, paragraph 0020. When the mobile phone verifies the transmitter, the mobile phone of Holloway passes its identity to the transmitter and removes itself from the system. *See Holloway*, p. 2, paragraph 0020.

Holloway fails to disclose or suggest a unique identification allowing the wireless mobile device to selectively associate an alternate network destination address for receipt of external communication, as recited by claim 36. Instead, Holloway discloses that the ID of the mobile phone is passed to the transmitter, rather than associating the wireless phone to an alternate network destination address, as recited in claim 36.

Thus, Holloway fails to disclose or suggest at least one element of the independent claim 36. Therefore, the rejection of claim 36 should be withdrawn.

G. CLAIMS 8, 16, 18, 19 AND 35 ARE ALLOWABLE OVER HOLLOWAY IN VIEW OF OFFICIAL NOTICE

Appellant traverses the rejection of claims 8, 16, 18, 19 and 35 under 35 U.S.C. §103(a) over Holloway in view of Official Notice, at pages 11-15 of the Final Office Action. The Official Notice is taken only with respect to the types of wireless protocols. However, claims 8, 16, 18, 19, and 35 depend from allowable independent claims 3, 13, and 32, respectively. Appellant submits that the Official Notice does not overcome the deficiencies in Holloway relative to the independent claims 3, 13, and 32, as previously discussed. Thus, the combination of Holloway and the Official Notice fails to disclose at least one element of each of claims 8, 16,

18, 19, and 35, at least by virtue of their dependency from one of the allowable independent claims 3, 13, and 32. The rejection of claims 8, 16, 18, 19 and 35 should be withdrawn.

H. CLAIM 26 IS ALLOWABLE OVER HOLLOWAY IN VIEW OF BOSIK

Appellant traverses the rejection of claim 26 under 35 U.S.C. §103(a) over Holloway in view of U.S. Patent No. 6,856,806 ("Bosik") at page 15 of the Final Office Action. The Final Office Action cites Bosik as disclosing "a method wherein the user action (i.e. responding to voice prompt with 'yes' or 'no') is a voice request." See Final Office Action, p. 15.

The cited text of Bosik refers to a call forwarding initiation, allowing a user to set up a call forwarding selection by responding to voice prompts after the user dials a number provided by the service provider. See Bosik, col. 5, line 50-col. 6, line 7. The automatic call forwarding of Holloway is technically inconsistent with the user-initiated call forwarding of Bosik. Moreover, Holloway and Bosik provide no suggestion or motivation to make the asserted combination, which is an improper hindsight reconstruction based on the Application.

Additionally, in contrast to Bosik, claim 26 recites determining to withdraw the request to forward voice communication requests, wherein the request is withdrawn in response to a user action, wherein the user action is a voice request. The combination of Holloway and Bosik fails to disclose or suggest withdrawing the request to forward voice communication requests in response to a user action, wherein the user action is a voice request, as recited in claim 26. Therefore, the asserted combination of Holloway and Bosik fails to disclose or suggest at least one element of claim 26 and claim 26 is therefore allowable.

I. CLAIM 37 IS ALLOWABLE OVER HOLLOWAY IN VIEW OF CHOW

Appellant traverses the rejection of claim 37 under §103(a) over Holloway in view of U.S. Pat. No. 6,574,470 ("Chow") at pages 15-16 of the Final Office Action. Chow is cited as disclosing "a Digital verification color code" to identify when a requested mobile unit is on a particular traffic channel. See Office Action, p. 16 and see Chow, Col. 37, lines 55-60.

Chow states:

> The LDS 104 starts a no answer timer (T(NoAnswer) 531)) for the FDN and sends an ISDN Q.931 Setup [FDN] 513 message to the VAP 103. Upon receipt of the ISD Q.931 Setup [FDN] 513 message, the VAP 103 cancels the TT5 timer, invokes B-channel call processing, initiates an IS-136 digital traffic channel (DTC) designation to the mobile unit MS 101, starts the TT2 timer, and sends a ISDN Q.931 Call Proceeding 514 message to the LDS 104.
>
> The mobile unit MS 101 tunes to the designated DTC and sends an indication message, MS on DTC 515 to the VAP 103. When the VAP 103 detects that the mobile unit MS 101 is on the requested traffic channel through a Digital Verification Color Code (DVCC; a layer 2 signal from the MS) status change, it cuts through the ISDN/B-channel and initiates the alerting procedures for each call leg, that is upstream to the LDS 104 and downstream to the mobile unit 101.

Chow, col. 37, lines 50-66.

Appellant notes that the cited paragraphs of Chow are directed to an identifier of a channel and not an identifier of the transmitter. The Final Office Action asserts:

> Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention to include a color code as taught by Chow et al. for the purpose of verifying the identity of a wireless device within the proximity. Adding the digital color code to the invention would have been useful in providing an additional layer of security.

Final Office Action, p. 16.

This alleged basis of rejection from the Final Office Action is not supported by the references. In particular, the asserted combination of Chow and Holloway fails to disclose or suggest a wireless communication interface configured to provide a unique identification to a wireless mobile device, where the unique identification is represented by a color code, as recited in claim 37. The unique identification of Chow is directed to the channel, not to the transmitter of the wireless beacon, as recited in claim 36, from which claim 37 depends. Therefore, claim 37 is allowable.

Appellant has pointed out specific features of the claims not disclosed, suggested or rendered obvious by the references applied in the Final Office Action. Accordingly, Appellant

respectfully requests reconsideration and withdrawal of each of the objections and rejections, as well as an indication of allowability of each of the claims now pending.

VIII. CLAIMS APPENDIX (37 C.F.R. § 41.37(c)(1)(viii))

The text of each claim involved in the appeal is as follows:

1. (Previously Presented) A system comprising:

a wireless beacon to provide wireless data communication with a mobile telephone to detect a location of the mobile telephone within a wireless detection area provided by the wireless beacon; and

a communication interface to selectively send a call forwarding message to a cellular switch based on an evaluation of a value received from the wireless beacon, the call forwarding message to provide an instruction to route future calls destined for the mobile telephone to an alternate network address.

2. (Original) The system of claim 1, wherein the alternate network address is identified by a telephone number correlated with a landline connection to a landline telephone located in proximity to the wireless beacon.

3. (Previously Presented) A method of selecting a destination telephone, the method comprising:

detecting a location of a mobile telephone within a wireless detection area provided by a wireless beacon; and

selectively sending a call forwarding message to a wide area switch having a communication path targeted to the mobile telephone based on an evaluation of a value received from the wireless beacon, the call forwarding message providing an instruction to route future calls destined for the mobile telephone to an alternative communication path.

4. (Original) The method of claim 3, wherein the alternative communication path is associated with a landline telephone number.

5. (Original) The method of claim 4, wherein the landline telephone number is associated with a landline connection to a landline telephone located within the same residence as the wireless beacon.

6. (Original) The method of claim 3, further comprising re-routing a call originally destined to the mobile telephone to a landline telephone using an intermediary telephone switch.

7. (Original) The method of claim 3, wherein detecting the location of the mobile telephone is based upon communication using a wireless data protocol.

8. (Original) The method of claim 7, wherein the wireless data protocol is compliant with the IEEE 802.11 standard.

9. (Original) The method of claim 7, wherein the wireless data protocol is compliant with the Bluetooth standard.

10. (Original) The method of claim 3, wherein the call forwarding message is communicated to the wide area switch using a wireless data message protocol.

11. (Original) The method of claim 10 wherein the wireless data message protocol is the short message services protocol.

12. (Original) The method of claim 10, wherein the wireless data message is sent on a packet channel utilizing a protocol selected from the group consisting of GSM, General Packet Radio Service (GPRS), Universal Mobile Telecommunications System (UMTS), and CDMA.

13. (Previously Presented) A method of routing call requests, the method comprising the steps of:

receiving at a wireless mobile communication device an identifier from a source over a first wireless connection; and

communicating to a wireless switch, when the identifier comprises a recognized identifier, a request to forward voice communications to the wireless mobile communications device to an alternate communication device other than the wireless communication device in response to receiving the identifier.

14. (Original) The method of claim 13, further comprising receiving a wireless communication over a second wireless connection having a different protocol than the first wireless connection.

15. (Original) The method of claim 13, wherein the wireless mobile communication device is a cellular phone and wherein the request to forward voice communications is issued automatically.

16. (Original) The method of claim 13, wherein the first wireless connection utilizes an IEEE 802.11 standard.

17. (Original) The method of claim 13, wherein the wireless mobile communication device includes a transmitter that utilizes Short Message Service (SMS).

18. (Original) The method of claim 13, wherein the wireless mobile communication device includes a transmitter that utilizes a universal mobile telecommunications system.

19. (Original) The method of claim 13, wherein the wireless mobile communication device utilizes General Packet Radio Service.

20. (Original) The method of claim 13, wherein the wireless mobile communication device receives the identifier using a Bluetooth receiver.

21. (Original) The method of claim 13, wherein the source is proximal to the wireless mobile communication device.

22. (Original) The method of claim 13, further comprising the step of determining to withdraw the request to forward voice communication requests.

23. (Original) The method of claim 22, wherein the request is withdrawn when the wireless mobile communication device no longer receives the identifier.

24. (Original) The method of claim 22, wherein the request is withdrawn in response to a user action.

25. (Original) The method of claim 24, wherein the user action is a key sequence.

26. (Original) The method of claim 24, wherein the user action is a voice request.

27. (Previously Presented) A system comprising:

a wireless communication device comprising a first receiver to facilitate two-way telephone conversations using a first wireless protocol, a second receiver to facilitate monitoring wireless information using a second wireless protocol, and a communications interface comprising:

a first control module to provide a request to forward an incoming communication request to an alternate communication device, wherein the alternate communication device is proximal to a transmitter; and

a second control module to provide a request to provide communication requests to the wireless communication device.

28. (Original) The system of claim 27, wherein the transmitter transmits an identifier using the second wireless protocol.

29. (Original) The system of claim 28, wherein the transmitter has a limited area range.

30. (Original) The system of claim 27, wherein the wireless communication device is accessible by a specific phone number.

31. (Original) The system of claim 27, wherein the first control module utilizes a short message service standard to provide the request.

32. (Previously Presented) A system comprising:

a wireless telephone configured to communicate using a wide area wireless protocol and configured to communicate using a proximal wireless protocol, the wireless

telephone including a call forward module and including a cancel call forward module; and

a wireless beacon device associated with a wireline telephone and configured to communicate with the wireless telephone using the proximal wireless protocol when the wireless telephone is within a wireless beacon coverage area, the call forward module of the wireless telephone configured to selectively send a call forward message using the wide area wireless protocol when the wireless telephone is within the wireless beacon coverage area and when the wireless beacon device is recognized by the wireless telephone, the call forward message directing calls that address the wireless telephone be redirected to the wireline telephone.

33. (Original) The system of claim 32, wherein the cancel call forward module is configured to send a cancel call forward message using the wide area wireless protocol after detecting that the wireless telephone has moved outside the wireless beacon coverage area.

34. (Original) The system of claim 32, further comprising a second wireless telephone configured to communicate with the proximal wireless protocol, the second wireless telephone configured to send a second call forward message after detecting that the second wireless telephone has entered the coverage area.

35. (Original) The system of claim 32, further comprising a second wireless beacon associated with a second wireline telephone and configured to communicate with the wireless telephone using the proximal wireless protocol when the wireless telephone is within a second wireless beacon coverage area, the call forward module of the wireless telephone configured to send a second call forward message using the wide area wireless protocol when the wireless telephone is within the second coverage area, the second call forward message directing calls that address the wireless telephone be directed to the second wireline telephone.

36. (Previously Presented) A wireless beacon comprising:

a transmitter configured to provide a wireless beacon coverage area; and

a wireless communication interface configured to provide a unique identification to a wireless mobile device located within the wireless beacon coverage area, the unique identification allowing the wireless mobile device to selectively associate an alternate network destination address for receipt of external communication while the wireless mobile device is within the wireless beacon coverage area and when the unique identification matches an expected value.

37. (Original) The wireless beacon of claim 36, wherein the unique identification is represented by a color code.

IX. EVIDENCE APPENDIX (37 C.F.R. § 41.37(c)(1)(ix))

(N/A)

X. RELATED PROCEEDINGS APPENDIX (37 C.F.R. § 41.37(c)(1)(x))

(N/A)

XI. CONCLUSION

For at least the above reasons, all pending claims are allowable and a notice of allowance is courteously solicited. Please direct any questions or comments to the undersigned attorney at the address indicated. Appellant respectfully requests reconsideration and allowance of all claims and that this patent application be passed to issue.

Respectfully submitted,

7-6-2006
Date

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